

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

SCOTT LONG,

Defendant.

Case No. [4:21-cr-00031-JSW-1](#)

**ORDER REGARDING UPCOMING
CRIMINAL PROCEEDINGS AND
REQUIRING JOINT REPORT**

In light of the continuing public health emergency caused by the novel coronavirus disease (COVID-19), the Court has been conducting criminal proceedings by telephone or by videoconference pursuant to the CARES Act, and as of June 1, 2020, has been conducting limited in-court proceedings resumed for: change of plea, sentencing, admission/disposition of Form 12s, and evidentiary hearings. The continued need to follow social distancing protocols will continue to limit the number of in-custody defendants that may be produced in court and the number of cases and people that can be accommodated in courtrooms. Accordingly, some changes of plea, sentencings, admissions/dispositions of Form 12s and evidentiary hearings may still need to be conducted by telephone or videoconference.

Additionally, because there is greater need for the telephone conference capabilities than there are resources available for defendants who are in custody, the Court will not be holding status or trial (and motions) setting conferences over the telephone. Instead, the court will decide those matters on the papers, or if defendant waives personal appearance, the court will hold a telephone conference at a date and time mutually agreeable to counsel for both sides.

In order to assist the court in scheduling an appropriate proceeding, the parties shall meet and confer and provide a **joint** status report regarding the status of the proceedings. As part of that

joint report, defense counsel, after conferring with defendant and opposing counsel, shall provide the following information:

For the following permissible in court proceedings, do the parties expect to go forward with:

1. ☐ Guilty plea
2. ☐ Sentencing
3. ☐ Form 12 Admission
4. ☐ Form 12 Disposition
5. ☐ Evidentiary Hearing (for a motion to suppress, supervised release violation hearing, or other hearing requiring witness testimony)

If the parties anticipate a guilty plea: (1) is the Defendant in custody; (2) are the parties willing to waive disclosure of the PSR before plea is entered so that plea may be taken at time sentence will be imposed?

Yes ☐ No ☐

If yes, please provide a stipulated date for plea/sentencing that is no earlier than seventy-five (75) days from the referral for in-custody defendants and no earlier than ninety-five (95) days for out-of-custody defendants: _____ (Please contact the Court's Courtroom Deputy for possible dates and times.)

If a Form 12 admission, will defendant be ready to be sentenced at the same time?

Yes ☐ No ☐

If no, is there any reason why the admission should not be continued to a time when the defendant is ready to be sentenced?

No ☐ Yes ☐

If yes, please explain: _____

_____.

For any of the proceedings numbered 1–4, will the defendant waive their right to be present in the courtroom and proceed via telephone or Zoom video conference?

Yes___ No___

For any of the proceedings numbered 1–4, does the defendant wish to appear personally in court even if a further continuance of the proceeding may be required?

Yes___ No___

For a combined plea and sentencing or a combined supervised release admission and sentencing, and are the parties willing to permit the Court to meet with the assigned probation officer in advance of the hearing to discuss the Probation Officer's sentencing recommendation?

Defendant: Yes ____ No ____

Government: Yes ____ No ____

For the following proceedings, do the parties expect to proceed with:

1. ____ Status Conference
2. ____ Trial or Motions Setting Conference
3. ____ Other (please specify nature of proceeding):_____.

For matters other than change of plea, sentencing, Form 12 admission/disposition, or evidentiary hearing, the Court expects that most issues can be resolved by stipulation of the parties, or by administrative motion which can be decided on the papers, and expects to proceed in that fashion, for in-custody defendants. However, for in-custody defendants who wish to waive their appearance, and for out-of-custody defendants, the court will conduct a telephonic status or setting conference.

Is a telephonic status conference desired?

Yes ____ No___

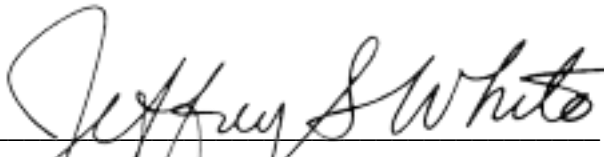
Will any in-custody defendant waive appearance?

Yes ____ No___

Please file a **joint** status report with the parties' responses to these questions one week from the date of this Order.

IT IS SO ORDERED.

Dated: January 27, 2021



JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California